

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PETER C. BENEDITH,  
Plaintiff,

v.

CASE WESTERN RESERVE  
UNIVERSITY, et al.,  
Defendants.

Case No. 17-cv-05896-JST

**ORDER TO SHOW CAUSE**

Plaintiff Peter C. Benedith's complaint was filed on October 13, 2017. ECF No. 1. While Defendants Best Buy Stores, L.P. (improperly sued as Geek Squad Inc. San Francisco and Geek Squad Inc. New York) and Case Western Reserve University have appeared and filed motions to dismiss, ECF Nos. 12, 19, Defendants Cuyahoga County, MetroHealth Medical Center, and Department of Medicine MetroHealth Medical Center, have not appeared.

Summons were issued against these Defendants on October 13, 2017. ECF No. 5. On December 12, 2017, Plaintiff filed a "Proof of Service," which indicated that he mailed the summons and complaint to the "writ department of Cuyahoga County OH Sheriff office," requesting personal service on these Defendants, but there is no indication that personal service was effected. ECF No. 16. Indeed, there is a blank next to "Server's signature" and "Date" on the proof of service. Id. On another identical "Proof of Service," separately filed on December 13, 2017, Peter C. Benedith's name appears next to server's signature and name, but Plaintiff cannot personally serve his own complaint. ECF No. 25. Furthermore, there is not an adequate description of personal service. Id. The Court concludes that Plaintiff has not properly served the complaint against these Defendants. Fed. R. Civ. P. 4(m).

As more than ninety days have passed since the complaint was filed, the Plaintiff must

1 either serve his complaint and file a proof of service by February 15, 2018, or show cause in  
2 writing by that date why his case should not be dismissed without prejudice for failure to serve his  
3 complaint timely as required by Rule 4(m). An order to show cause hearing is set for February 22,  
4 2018. Plaintiff is instructed to appear. If Plaintiff does not show cause or properly serve, the case  
5 against Defendants Cuyahoga County, MetroHealth Medical Center, and Department of Medicine  
6 MetroHealth Medical Center will be dismissed without prejudice.

7 **IT IS SO ORDERED.**

8 Dated: January 31, 2018

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10 JON S. TIGAR  
11 United States District Judge  
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